

MINUTES OF REGULAR MEETING HELD JANUARY 24, 2017

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, January 24, 2017 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 22, 2016. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members Neylan, LoGrippe, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT: Councilman Arena

Invocation was given by Councilwoman Neylan

PRESENTATIONS

APPOINTMENT

ADVERTISED HEARINGS

PENDING BUSINESS

BIDS

MINUTES

On a motion by Councilwoman Neylan seconded by Councilman LoGrippe, Council approved the Minutes of the Town Council Conference Session held January 10, 2017 with Mayor Skibitsky abstaining.

On a motion by Councilman Stokes, seconded by Councilman Donnelly, Council approved the Minutes of the Town Council Meeting held January 10, 2017 with Mayor Skibitsky abstaining.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Tom Dries of 440 First Street spoke on the parallel parking spaces on Osborne Street. Councilman Loughlin explained that his committee met tonight and decided to keep the recommendations of the 2005 Safety Committee that suggested the parking lines be painted along with other traffic safety measures in the area. Mayor said the Town will continue to monitor the situation.

Marci Bandelli of 209 Tuttle Parkway spoke about the Mayor’s Downtown Task Force. She said she was devastated that Panera’s Restaurant closed, as was her son, and wanted to know if the town had contacted their corporate office to try to stop the closing. Mayor explained that restaurants and stores come and go and the town has no control over private business. He also said the national retail paradigm is changing and store closings are not exclusive to Westfield since internet shopping has grown tremendously in the last few years. Ms. Bandelli asked if there was anything the town could do about the rent of the downtown buildings. Mayor explained that the landlords are the only ones who control the rent and it is a matter of supply

and demand. Councilman Della Fera echoed the Mayor's comments about the retail trends and provided information about the efforts of his committee of the Mayor's Downtown Task force to date which has included meeting with various stakeholder groups including Landlords, business owners, commercial landlords and residents.

Shelley Wright Brindle of 520 Fairmont Avenue said that there is a perceived lack of transparency in the Task Force and that perception is taken as reality and the Mayor should do more to make the process transparent such as holding public forums and going on Facebook live daily. She wanted to know how the people on the Task Force were selected. Mayor explained that there were many residents, landlords, merchants, as well as Council members on the Task Force and that the Task Force was formed late last summer. The Task Force has been broken down into Committees and those committees have met with many people who have offered valuable input into how to keep the downtown vibrant. He explained that the Town does not have control over which businesses come and go, but the Town is looking to update their Zoning laws to make the downtown more accessible to different types of businesses who may want to come to Westfield. He said the Task Force updates him regularly and that just tonight the Westfield leader interviewed various members of the Task Force and he expects the Westfield Leader will publish a story shortly to provide an update. He said that there are over 30,000 residents in Westfield and not everyone can be on the Task Force, but he welcomes any ideas which can be submitted via email or that he has Saturday morning hours to meet with any citizens who so desire.

BILLS AND CLAIMS

Introduced by Councilwoman Neylan, seconded by Councilman LoGrippe were adopted unanimously with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$1,045,331.92 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Neylan seconded by Councilman Loughlin were unanimously adopted.

(28) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$150.00 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of December 2016.

(29) RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

Name	Account	Class	Fee
Christine Radlmann	T05-600-071	Fencing Class	125.00
21 Manitou Circle		Zachary	
Westfield, NJ 07090			

(30) WHEREAS, there is a need to communicate information to the public in the form of tax assessment notices to the property owners, and

WHEREAS, payment for the postage to the United States Postal Service is required prior to the mailing of the assessment notices;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for postage payment in an amount not to exceed \$3,500.00 charged to the Tax Assessor's postage account.

(31) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the order of the following persons, this amount being overpaid for the year 2016.

BLOCK/LOT	OWNER/MAIL ADDRESS	PROPERTY ADDRESS	AMOUNT	QUARTER
810/5	CLEEVE. KAREN	628 COLEMAN PLACE	\$3,867.01	2 ND
1904/11	COLLADO, VINCENT & ALEXIS	229 GOLF EDGE	\$595.76	1 ST
3308/14	HARGREAVES, JONATHAN AND RAJARAMAN, J	507 EUCLID AVENUE SOUTH	\$6,641.13	4 TH
4505/11	ABRAMS, JOSHUA L. & CORI L.	908 NEW ENGLAND DRIVE	\$6,868.67	3 RD & 4 TH

(32) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2011,2012,2013,2014,2015, AND 2016 pursuant to the Tax Court of New Jersey:

BLOCK/LOT	NAME	ADDRESS	YEAR	AMOUNT
2606/19	ELM AVENUE ASSOCIATES, INC	900 SOUTH AVENUE WEST		
			2011	\$9,680.64
			2012	\$10,000.46
			2013	\$9,795.05
			2014	\$11,979.80
			2015	\$13,892.93
			2016	\$15,954.24

MAIL TO:

MICHAEL A. VESPASIANO ATTORNEY TRUST ACCOUNT
MICHAEL A. VESPASIANO
331 MAIN STREET
CHATHAM, NEW JERSEY 07928

BLOCK/LOT	NAME	ADDRESS	YEAR	AMOUNT
2610/15	NATURAL REALTY, LLC	1101 SOUTH AVENUE WEST		
			2013	\$3,232.29
			2014	\$3,807.87
			2015	\$4,380.26
			2016	\$4,920.81

MAIL TO:

ARCHER & GREINER, P.C. AS TRUSTEE FOR NATURAL REALTY, LLC

ARCHER & GREINER
A PROFESSIONAL CORPORATION
101 CARNEGIE CENTER
3RD FLOOR, SUITE 300
PRINCETON, NJ 08540

(33) RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2017 budget:

February 1, 2017	\$102,439.25
May 1, 2017	\$102,439.25

(34) WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 16-04	Pierre Alain Sur	565 First Street	6-05-560-530	\$450.71
BOA 16-06	Charles Dixon	52 Mohican Drive	6-05-560-532	\$352.12
BOA 16-11	Nicholas Esposito	234 Golf Edge Drive	6-05-560-537	\$450.71
Mail to:	Nicholas Esposito	475 Springfield Avenue		
BOA 16-13	Theodore & Kathryn Schlosberg	26 Scudder Road	6-05-560-539	\$450.71
Refund to:	SRIG, LLC 24 Portland Road, Suite 100, West Conshohocken, PA 19428			
BOA 16-14	62 North Cottage Place, LLC.	62 North Cottage Place	6-05-560-540	\$563.21
Refund to:	Viliam Choma 856 Lake Avenue Clark NJ 07066			
BOA 16-15	Jacob Kriss	1300 Overhill Street	6-05-560-541	\$926.06
BOA 16-17	Mark & Sara Tarry	261 Seneca Place	6-05-560-543	\$450.71
BOA 16-19	Darrin Ciaccio	167 Madison Avenue	6-05-560-545	\$950.71
BOA 16-22	Kim & Joshua Braun	925 Carleton Road	6-05-560-548	\$200.71
BOA 16-23	Joseph Bresnahan	18 Moss Avenue	6-05-560-549	\$450.71
Refund to:	Joe Percario General Contractors, LLC., 1259 St. George Avenue, Roselle, NJ 07203			
BOA 16-24	David Edelson	21 Manchester Drive	6-05-560-550	\$200.71
BOA 16-25	Jared Friedman	906 Grandview Avenue	6-05-560-551	\$450.71
BOA 16-26	Jordan Seales	706 Westfield Avenue	6-05-560-552	\$401.42
Refund to:	RGM Design Group, 73 Terhune Road, Clark, NJ 07066			

(35) WHEREAS, the following applicants have placed the required cash bond of \$500.00 to cover:

Permit No.	Date	Name of Applicant	Address of Opening
15-033	2/9/15	Service Professionals 923 Rahway Avenue	623 Kensington Drive

		Union, NJ 07083	
15-074	3/11/15	PSE&G 472 Weston Canal Road Somerset, NJ 08873	115 Elm Street
15-137	4/14/15	Gialluisi Custom Homes 208 Lenox Avenue, #157 Westfield, NJ 07090	631 Carleton Road
15-177	4/11/15	Elshiekh Enterprises LLC 12 Via Vitale Kenilworth, NJ 07033	403 Prospect Street
15-197	6/2/15	Hoff Bros Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	500 Highland Avenue
15-204	6/4/15	Scott Lim & Arevik Akopova 1116 Ripley Avenue Westfield, NJ 07090	1116 Ripley Avenue
15-290	8/14/15	Joe Valluzzi Valluzzi Group LLC PO Box 1233 South Plainfield, NJ 07080	221/229 Sylvania Place
Permit No.	Date	Applicant's Address	Address of Opening
15-325	9/18/15	Hoff Bros Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	744 Tamaques Way
15-329	5/29/15	Antonio Simoes Sicar Construction Corp 419 Forest Street Kearny, NJ 07032	501 Parkview Avenue
15-342	9/29/15	Joe Valluzzi Valluzzi Group LLC P.O. Box 1233 South Plainfield, NJ 07080	259 Prospect St
15-385	10/30/15	Monarch Homes 225 Woodbridge Avenue Highland Park, NJ 08904	850 Wallberg Avenue
15-408	11/15/15	Ferro Builders Construction LLC 1037 Central Avenue Westfield, NJ 07090	1043 Prospect Street
15-439	12/3/15	Robert Puc Worosz Construction LLC 1239 Briarcliff Drive	1742 Florida Street

		Rahway, NJ 07065	
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and,

WHEREAS, the above applicants are entitled to have this amount be returned to them, and

WHEREAS, the Town Engineer, has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of the applicants noted above for \$500.00 and forward to the applicants' addresses also noted above.

(36) WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency" has offered voluntary participation in #CK04-BERGEN a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on January 24, 2017, the governing body of the Town of Westfield, County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

- This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Town of Westfield with the County of Bergen
- Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Town Administrator is hereby authorized to enter into a Cooperative Pricing Resolution of the Town of Westfield with the County of Bergen
- The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.
- This resolution shall take effect immediately upon passage.

(37) BE IT RESOLVED that the Town Attorney is hereby authorized to sign Stipulations of Settlement, pursuant to which the assessment for the property located at:

- 587 Sherwood Parkway (B. 1303, L. 14) shall be changed to \$139,400 for the year 2016;
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- 800 Hillside Avenue (B. 505, L. 5) shall be changed to \$316,700 for the year 2016;
- 431 Hillside Avenue (B. 502, L. 13) shall be changed to \$393,000 for the year 2016;
- 725 Shadowlawn Drive (B. 2805, L. 15) shall be changed to \$222,200 for the year 2016;
- 208 Wychwood Road (B. 2101, L. 36) shall be changed to \$220,300 for the year 2016;
- 246 Sinclair Place (B. 1103, L. 13) shall be changed to \$174,900 for the year 2016;
- 718 Tuxford Turn (B. 4403, L. 13) shall be changed to \$182,500 for the year 2016;

- 208 Golf Edge (B. 1903, L. 3) shall be changed to \$230,400 for the years 2015 and 2016 and \$215,400 for the year 2017;
- 355 Wychwood Road (B. 2105, L. 13) shall be changed to \$230,000 for the year 2016;
- 315 Baker Avenue (B. 2213, L. 3) shall be changed to \$182,600 for the year 2016.

(38) BE IT RESOLVED that the Town Attorney is hereby authorized to sign Stipulations of Settlement, pursuant to which the assessment for the property located at 343 South Avenue East (Block 3204, Lot 10) (a) for the year 2013 shall be changed to \$481,200, (b) for the year 2014 shall be changed to \$450,400, (c) for the year 2015 shall be changed to \$442,500, (d) for the year 2016 shall be changed to \$433,200, and (e) for the year 2017 shall be changed to \$390,000.

The following resolution, introduced by Councilwoman Neylan, seconded by Councilman Della Fera was adopted by the following roll call vote:

(39) RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the Appropriation Reserve accounts below:

	<u>OUT</u>	<u>IN</u>
<u>CURRENT FUND</u>		
ADMINISTRATION		
6-01-100-206 OTHER EXPENSES (O/E)		2,000
FIRE HYDRANT SERVICES		
6-01-123-211 (O/E)		500
FIRE		
6-01-125-101 SALARIES & WAGES (S&W)	20,000	
POLICE		
6-01-130-101 (S&W)	24,500	
PARKING ADMINISTRATION		
6-01-131-101 (S&W)	5,500	
ENGINEERING		
6-01-135-101 (S&W)	5,000	
PUBLIC WORKS		
6-01-137-246 (O/E)		50,000
HEATING GAS		
6-01-170-211 (O/E)		2,000
MUNICIPAL COURT		
5-01-175-201 (O/E)		500
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	\$55,000	\$55,000

Yeas:	Neylan	Nays:	Absent: Arena
	LoGrippo		
	Loughlin		
	Della Fera		
	Donnelly		
	Oliveira		
	Stokes		

Mayor Skibitsky

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin seconded by Councilman Arena were unanimously adopted.

(40) RESOLVED by the Town Council of the Town of Westfield that pursuant to authority granted by R.S. 40a:14-146, the persons named on the list below are hereby appointed SPECIAL POLICEMEN in the Town of Westfield for the year 2016 subject to the conditions and limitations set forth in the said statute, and the Chief of Police is hereby authorized to provide the SPECIAL POLICEMEN appointed with appropriate badges and certificates of appointment without cost to them:

Christopher Beck
Helen Cicalese
Robert Denny
Anthony Garrigan
Patrick Garrigan
Scott Mersereau
Bruce Miller
John Morgan
Robert Musacchia

Code Review & Town Property Committee

Public Works Committee

The following resolutions, introduced by Councilman Oliveira seconded by Councilman Donnelly were unanimously adopted.

(41) Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvement of Boulevard (Washington Street to Grove Street, West) project.

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2017 for the Improvements of Boulevard, between Washington Street and Grove Street, West, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Westfield Township-00350 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- (42) Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvement of Grove Street, West (Central Avenue to Summit Avenue) project.

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2017 for the Improvement of Grove Street, West, between Central Avenue and Summit Avenue, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Westfield Township-00351 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- (44) WHEREAS, a need existed for the contract rental of privately owned equipment for use by the Department of Public Works in the 2016 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, various contracts were awarded to the low bidders to perform the necessary work, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, conditions were encountered during the leaf collection program that necessitated additional work from the equipment than had been originally anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works Operating Account 137.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the following amounts be authorized, and

Camarato Trucking	increase \$40,192.80
B&b Disposals, LLC	increase \$17,378.00

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of this Change Order for the 2016 Leaf Collection Program.

(45) WHEREAS, a need existed for the contract rental of privately owned equipment for use by the Department of Public Works in the 2016 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, various contracts were awarded to the low bidders to perform the necessary work, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, conditions were encountered during the leaf collection program that necessitated additional work from the equipment than had been originally anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works Operating Account 137.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the following amount be authorized:

JESCO Inc.

increase \$28,040.34

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of this Change Order for the 2016 Leaf Collection Program.

Reports of Department Heads.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$61,276.89 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of December 2016 was received, read and ordered filed.

At 8:30 p.m. Councilman Della Fera introduced the following resolution, seconded by Councilman Loughlin.

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield, that the public shall be excluded from discussion of the following matter(s):

Pending or anticipated litigation or contract negotiation other than in section
(4) herein which the public body is, or may become a party specifically:
Affordable Housing

BE IT FURTHER RESOLVED, that Minutes will be kept on file in the municipal clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

At 9:07p.m. a motion to end the executive session was made by Councilman Loughlin, seconded by Councilman LoGrippe.

Upon motion by Councilman Stokes, seconded by Councilman Della Fera the meeting was adjourned at 9:08 p.m.

Claire J. Gray

Town Clerk